REMARKS

Claims 1-12 were rejected under §103.

Claims Rejection – 35 USC §103(a)

Claims 1 and 8 were rejected based upon admitted prior art, in view of Plourde, JR *et al.* (US Patent Application 20030110513).

Regarding claim 1, the rejection indicated that admitted prior art provided elements a, b and f. While the admitted prior art does provide element a, it fails to provide elements b or f. The admitted prior art relates to monitoring a nominal cold boot time, but does provide for "identifying after the selected start position in the transport stream a service having an Object Carousel and **an associated AIT section.**" (emphasis added). The admitted prior art fails to address monitoring nominal cold boot times that include an AIT section. Furthermore, the admitted prior art also fails to address element f. The admitted prior art determines the nominal cold boot time by summing the times to receive each of the assets according to rules of precedence, t11=t1+t2+t3+t4+t5. (see Fig. 1 and paragraphs [0022] and [0023]. The admitted prior art does not even suggest determining the nominal cold boot time by subtracting the start time from the finish time.

Plourde, JR *et al.* fails to provide for these missing elements, which were in fact not provided in the admitted prior art. This reference relates to controlling the buffer capacity for personal video recording. It does not even relate to the monitoring of a nominal cold boot time for an application from a transport stream. Furthermore, Plourde, JF *et al.* fails to describe a transport stream including an AIT. Applicant is unclear as to how the teaching related to "anticipation by the application" as provided at [0077] of the cited reference would be understood by one of ordinary skill in the art to relate to the presence and use of an AIT section as provided in claim 1. Similarly, cited paragraph [0081] appears to be discussing a database for services suchs as WatchTV, PPV application, etc. It is unclear as to how this can provide any basis for the claimed element of analyzing the associated AIT section to determine a root asset and remaining assets required by the application from a transport stream. One of ordinary skill would not understand the items described in [0081] to relate to the transport stream elements being determined by analyzing the associated AIT section.

With regard to element e), there is no discernable relevance to the fact that

Plourde JR *et al.* describes storing downloaded modules in system memory. Furthermore, as discussed above, Plourde JR *et al.* fails to even mention an AIT element from a transport stream.

Lastly, as discussed above, the admitted prior art fails to describe the method of determining the nominal cold boot time as required by the final element of claim 1.

As the combination of admitted prior art, and Plourde JR *et al.* would fail to produce the elements as provided in claim 1, claim 1 would not have been obvious to one of ordinary skill in the art. Accordingly, Applicant respectfully requests allowance of independent claim 1.

Claim 8 provide for a mean plus function description of a system for implementing the method of claim 1. Accordingly, Applicant respectfully requests allowance of claim 8 for reasons similar to those discussed above in connection with claim 1.

The remaining items cited in the rejection fail to address the missing elements that were not provided by the combination of the admitted prior art and Plourde JR, *et al.*

Claim 2-7, and 9-12 depend, directly or indirectly, from dependent claims 1 and 8, respectively. Accordingly, Applicant respectfully request allowance of all dependent claims as they depend from allowable independent claims as discussed above.

Based upon the arguments provided above, applicants respectfully request that all pending claims be allowed and this application passed on to issuance.

Respectfully submitted,

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